Correction has been carried out in view of speaking to the minutes order dated 14.01.2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1666 OF 2025

BAPPASAHEB RAKHMAJI BHUSARE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Kartavya S. Ostwal

GP for Respondents/State : Mr. A. B. Girase

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CORAM : MEHROZ K. PATHAN, J.

Date of Reserving the Order : **22nd DECEMBER 2025**

Date of Pronouncing the Order : **12th JANUARY 2026**

O R D E R :

1. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.453/2025 registered with Ambad Police Station, District Jalna for the offences punishable under Sections 316(4), 316(5), 318(4), 324(5), 336(3), 338, 340(2), 339, 238 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 52 and 53 of the Disaster Management Act, 2005.

2. The First Information Report was filed by one Vilas Komatwar, stating that he had received a letter from the Sub Divisional Officer, Ambad, dated 18.08.2025. The letter informed him that the Three-Member Committee had submitted a report regarding the natural calamity compensation disbursement fraud committed by accused persons at Ambad and Ghansavangi Taluka, and authorized him to register an FIR against those found responsible in the said report.

3. It is alleged that the State Government declared compensation for farmers whose agricultural fields were affected by natural calamities during the years 2022, 2023, and 2024, including floods, heavy rainfall, unseasonal rainfall, drought, etc., to be disbursed to the affected farmers. Several complaints were received at the Collector Office, Jalna, pertaining to the disbursement of natural calamity compensation at the Tahsil Offices of Ambad and Ghansavangi. The complaints mentioned the role of the Village Revenue Officer, Gram Sevak, and Agricultural Assistant, who allegedly colluded with each other to disburse compensation to bogus farmers who were not eligible for such benefits. In some cases, compensation was disbursed to farmers who were not residents of the village, including villagers from other Talukas and Districts. Agricultural fields of lesser measurement were shown with inflated areas by forging the 7/12 extracts and by falsely showing fruit-bearing trees on barren land. Some beneficiaries were allotted compensation twice. Taking into consideration the aforesaid complaints, the Collector, Jalna, under his supervision, formed a Three-Member Committee on 28.01.2025. The said Committee conducted a detailed inquiry into the complaints and submitted its report. In the FIR, 28 persons were named, along with certain other unnamed persons who had acted in collusion and misused the login ID of the Tahsildar and committed fraud/misappropriation by disbursing compensation to persons not entitled to receive the same. In some cases, even Government lands were wrongly shown in forged 7/12 extracts of villagers, thereby obtaining disaster relief compensation through conspiracy by all the accused persons acting together thereby cheating the Government.

. Apart from the aforesaid two talukas, Ambad and Ghansavangi, six Revenue Officers of the Tahsil Office, Ambad, were also named who have colluded with the Village Revenue Officer/Talathi and certain bogus beneficiaries, conspiring to commit misappropriation with the intention of causing wrongful loss to the Government and wrongful gain to themselves, thereby cheating the Government. One of the Revenue Officers in the Collector Office, Jalna, namely Mr. Dinesh Barad, was held responsible for misusing the login ID and password of the Tahsildar, Ambad. He allegedly connived with the other accused persons and further provoked and instigated them to commit the said crime. It is also alleged in the FIR that after getting knowledge that an inquiry was being conducted into the fraud committed in the disbursement of natural calamity compensation, the accused persons destroyed the necessary evidence and the files in the computers maintained by the Officers were deleted, which could have assisted to prove their guilt. The three email ID's of the Tahasil Office namely tahambad@g1666mail.com; tahghan@gmail.com and tahghananudan@gmail.com were tampered with by all accused persons and thereafter the evidence were destroyed.

. Thus the aforesaid 28 persons and others are found to have committed the misappropriation to the tune of Rs.24,90,77,811/- by forging the documents and cheating the Government and thereafter destroying the evidence. The complainant therefore prayed for appropriate action against all the accused persons. Thus, the present FIR alleges that the Talathis/Revenue Officers, Gram Sevaks, and Agricultural Assistants caused wrongful loss to the Government and wrongful gain to themselves by fabricating certain documents, inserting bogus names of farmers, and disbursing compensation amounts to such bogus farmers. The FIR further alleges that compensation was transferred to fake and ineligible beneficiaries.

4. Heard the learned Counsel Mr. Ostwal alongwith Assisting Counsel and the learned Government Pleader Mr. Girase. I have gone through the documents relied upon by the learned Counsel for the Applicant and also gone through the investigation papers made available by the learned Government Pleader.

5. It is the submission of the learned Counsel for the Applicant Mr. Ostwal that the Applicant was appointed as a Talathi and has worked to the satisfaction of his seniors, maintaining an unblemished record. The Applicant was transferred from village Dhakephad to village Manjujalgaon on 28.06.2023. After the Inquiry Committee was constituted, a show cause notice was issued to the Applicant to explain the alleged misappropriation of an amount of Rs.89,37,872/- towards compensation for the villages where the Applicant was working as Talathi. The Collector, Jalna, further issued a notice on 12.06.2025 regarding misappropriation of Rs.24,74,341/- for village Pirgapwadi. However, the Applicant submitted his replies on 12.06.2025 and 16.06.2025, informing about the recovery of Rs.37,58,387/- and also an amount of Rs.31,13,190/- from the fake beneficiaries.

. It is submitted by the learned Counsel for the Applicant that the recovery made by the Applicant shows the bona fides of the Applicant, and therefore an FIR ought not to have been filed showing the Applicant as an accused. There were certain technical glitches due to which the names of farmers who were not entitled to compensation were uploaded. Hence, the Applicant is not responsible for the same. The Applicant was only working at the ground level to prepare the list, however the list was to be approved by the Tahsildar, and the District Collector was the sanctioning authority who deposited the amount directly into the accounts of the farmers.

6. It is further submitted by the learned Counsel Mr. Ostwal that this Court has protected the accused in ABA No.1659/2025 and 1652/2025 and the said protection is operating till today. Hence the Applicant may also be protected, as the Applicant is ready to cooperate with the investigation and shall available for further investigation if required by the Investigating Officer. The custodial interrogation of the Applicant is not necessary, and therefore the Applicant may be released on bail.

7. As against this, the learned Government Pleader vehemently vehemently opposes the application on the ground that the Applicant is involved in the serious offence of misappropriating Government funds amounting to about Rs.25 Crores. Even though an amount of Rs.22,67,374/- has been recovered at the instance of the present Applicant, an amount of Rs.87,58,480/- is still yet to be recovered, which is attributable to the Applicant. There are statements of Jalidhar Thorat, Sunil, and others, who have stated that the Applicant insisted that villagers procure documents to obtain benefits meant for compensating farmers affected by natural calamities causing damage to their crops. The Applicant has included names of his near relatives and acquaintances from the villages who were not even residents of the said villages. The Gram Panchayats of Bahiregaon and Manjujalgaon have issued certificates showing that more than 250 people were not residents of the villages but were fraudulently shown as such. The 7/12 extracts were fabricated, and benefits were obtained by tampering with the original 7/12 extracts of various villages. At least 13 beneficiaries are near relatives of the Applicant, from whom an amount of more than Rs.4.5 Lakhs has been withdrawn by the Applicant by uploading their names. The Applicant has been evading arrest since the date of registration of the offence, and custodial interrogation of the Applicant is necessary to investigate the crime from all aspects, as various persons are involved in the commission of the said crime and the Applicant is one of the prime suspects who conspired to commit the offence with the assistance of other accused persons.

. The Applicant is alleged to have been working as a Talathi and, by virtue of his official position, was entrusted with duties relating to preparation, verification and uploading of beneficiary data under the agricultural subsidy scheme for the villages of Bahiregaon, Manjulgaon, Dhakephal and Pimpalgarwadi under Tehsil Ghansawangi. The role attributed to the applicant, as emerging from the inquiry committee report and the investigation papers, is that he prepared and uploaded beneficiary lists containing names of persons who were allegedly not residents of the concerned villages and who did not possess agricultural land, thereby facilitating credit of subsidy amounts in their names. The inquiry committee report records alleged embezzlement of government funds to the extent of ₹89.37 lakh, out of which Rs.22.67 lakh is stated to have been paid, while a substantial amount is alleged to remain misappropriated.

. The statements of several witnesses, described as non-farming bogus beneficiaries, indicate that amounts were credited in their names without their eligibility under the scheme. Gram Panchayat certificates placed on record further suggest that a large number of persons shown as beneficiaries do not belong to the concerned villages and that there is no agricultural land standing in their names, involving amounts aggregating to more than ₹92 lakh. The investigation also reveals an allegation that the applicant fabricated and produced fake 7/12 extracts and presented the same before the inquiry committee as genuine, which, if established, would indicate deliberate misuse of official position and manipulation of revenue records. The material on record further reflects that a number of beneficiaries are alleged to be relatives of the applicant, and substantial amounts are stated to have been credited in their names, despite certificates indicating that such persons do not reside in the concerned villages. It is also alleged that the applicant deliberately uploaded beneficiary data with incomplete or incorrect names, residential addresses and mobile numbers, thereby making identification of account holders and tracing of the money trail difficult. The prosecution has further alleged that the applicant, with the help of an associate and an agent, used Aadhaar cards and bank passbooks of labourers and unemployed persons from different villages and districts, luring them with small monetary inducements, suggesting a systematic modus operandi. Having regard to the nature of allegations, the role attributed to the applicant as a public servant, the scale of alleged financial irregularities involving public funds, and the material collected thus far, the Court is required to consider whether custodial interrogation is necessary for effective investigation, including verification of allegedly fabricated documents, identification of beneficiaries and accomplices, and tracing of the flow and recovery of funds. The prosecution has also contended that the applicant's custody is necessary to trace persons to whom the amounts were allegedly diverted. Without expressing any final opinion on the merits of the case, the application, in the aforesaid factual backdrop, requires further consideration.

8. I have gone through the investigation papers and the submissions made by the learned Counsel for the Applicant. The learned Government Pleader has made available the investigation papers, which contain statements showing the involvement of the present Applicant. The Applicant insisted that various villagers submit documents and demanded commission to be paid to him for obtaining compensation.

. The perusal of the investigation papers further shows that the Gram Panchayats of Bahiregaon and Manjujalgaon have issued certificates stating that the farmers shown to be residents of the said villages do not actually reside there. The 7/12 extracts appear to have been concocted and tampered with solely with the intention of obtaining benefits. The Applicant, being the village revenue officer, was entrusted with the responsibility of preparing the list of rightful claimants for grant of compensation. However, the Applicant inserted the names of 13 relatives who were not entitled to receive such compensation. The amount involved is substantial, and the custodial interrogation of the Applicant is necessary to investigate the crime from all angles, as the same involves overt acts of various accused persons at different levels.

9. The Hon'ble Supreme Court in the case of **Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation**, (2013) 7 SCC 439 and in the case of **Tarunkumar Vs. Assistant Director Directorate of Enforcement**, 2023 NSC 1006, was pleased to hold that the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as a grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

10. The Hon'ble Supreme Court in the case of **Nimmagadda Prasad vs C.B.I., Hyderabad,** (2013) 7 SCC 466, has held as under :

> *23. Unfortunately, in the last few years, the country has been seeing an alarming rise in white-collar crimes, which has affected the fibre of the country's economic structure. Incontrovertibly, economic offences have serious repercussions on the development of the country as a whole. In State of Gujarat v. Mohanlal Jitamalji Porwal [(1987) 2 SCC 364 : 1987 SCC (Cri) 364] this Court, while considering a request of the prosecution for adducing additional evidence, inter alia, observed as under:*
> *"5. ... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white-collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest."*

11. The Applicant in connivance with all other accused persons has allegedly committed the misappropriation to the tune of Rs.25 Crores by using login ID of Tahsildar with the assistance of other accused persons. The statements recorded by the Investigating Officer during the course of investigation reveals the role of the present Applicant to be a prime suspect in the crime. The custodial interrogation of the Applicant would be thus necessary. Some of the amount initially shown as misappropriated by the Inquiry Committee has been allegedly recovered by the Applicant. However the investigation shows that the amount of misappropriation is likely to increase as the investigation is still going and the statements of the bogus farmers are being recorded. Thus there is every likelihood that the Applicant if released on bail, may cause prejudice to the investigation.

. Thus taking into consideration the gravity and nature of economic offence, the Three Member Committee's report and the investigation papers which include statements of various beneficiaries, I am not inclined to exercise the discretion in favour of the present Applicant to grant anticipatory bail. The application is therefore rejected.

MEHROZ K. PATHAN
JUDGE

Najeeb..